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441 influence is stronger, but there too one finds associations influenced by foreign types of ecclesiastical organization.

644 Since 1946 the Boulou clans have formed associations, sometimes
576 proclaimed in conformity with the law of 1901, and since 1950 gathered into the N'Tem-Kribi Tribal Union, which covers primarily Boulou, Fong, Fang, Ntoumou, and Mvaé. Each clan has a central board elected during an annual or biennial ésulan, and local boards. Membership is not automatic: members have to apply for admission, pay subscription and entrance fees. At the core of each clan association there are "societies" of young people of both sexes, of married women, of nonvoters /abstinents/, etc. The young people's "societies" are certainly the most unusual. They were formed with official approbation at the time of the abolition of forced labor recruitment. The "societies" used to bargain with local authorities over projects like road maintenance or the construction of works of art /sic/, the money received being turned into a common account and used, either to help the members meet bride-price payments or other expenses, or—particularly—to arrange festivals and banquets.

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464 In large towns Pahouin migrants join de jure and de facto associations, generally within a tribal, not a clan, framework. These associations have protective and mutual-aid purposes /69/ and are sometimes quite powerful. To these should be related the tontines or subscription societies consisting of small numbers of laborers, servants, or minor employees, who pay into a common fund the larger part of their monthly wage, each member in turn being able to draw upon the sizable sum thus collected each month. The last two institutions are in no way specifically Pahouin, nor characteristic of the Cameroons or Gabon.

6. Law and Property

a. Source

671 Pahouin law has always been complex. Formerly, it dealt primarily with the status and condition of persons /statut et de l'état des personnes/ upon which the property system was dependent. Under the influence of the economic changes brought about by colonization, the law with regard to property has become definitely independent of the law of persons, the latter being inclined to grow simpler with the dissociation of the old social and family organizations.

671 The sources of law are at present custom and the European legal system brought in from outside. Each obviously affects the other: custom is modified by the written code, while the application of the latter is bent by the influence of custom. Law is continually evolving. It is quite difficult to understand, even though often written. The decisions of courts, the minutes of reconciliation proceedings, the "covenants between natives" established by the 1920 decree, the minutes of discussion sessions (1), and even some private contracts are

1. Bulletin de la Société d'Études camerounaises, 1947, No. 19-20, p. 141, (no. 126).

filed in the administrative archives, but they have only rarely been systematically collated.

671 183 The general term for custom is biyem (from yem = to know), connoting at the same time habits and modes of life and the laws that regulate them and qualify them as good or bad. Forms of behavior are rather mebo, from bo, to do. Methods and general practices are mam (sing. jam) or mejô (ajô = speech, from jô = to say), the second also meaning "business" in a litigious sense. One often hears, almost always with a tone of regret: Nnôm éyem, bimvam bi nga wô'ô bo mebo mete, melu mvus; nale a nga'ane kik, "The old ways, as our ancestors used to do things, they don't exist any longer." The whole "Pahouin regrouping" movement is characterized by this antithesis between regret for the biyem bimvam and yearning for progress. The result has been the growth of pseudo traditions attempting to connect contemporary ways with customary norms.

671 FH Since 1944 we have witnessed a trend in public opinion in favor of written codification of the law. Most clan groups /70/ have drafted their customary laws, which are revised periodically at the bisulan and which serve as legal basis for the decisions of the civil courts. It is probably too early for a final codification on a territorial scale, which would most likely involve an intertribal unification of the law (already stimulated by the colonial legal system), but periodic publication of local customary law by a committee of high-ranking men and assessors is often demanded and has already been sporadically carried out, as much by ésulan chairman as by certain government officials

b. Legal Power

692 The contemporary /legal/ organization is, except for a few details, the same in the three territories inhabited by the Pahouin. In the Cameroons and Gabon, criminal law /la justice repressive/ is in the hands of magistrates administering the French penal code; civil law is administered by first- and second-degree courts presided over by an official of administrative rank, sitting with two African assessors. There are also the so-called customary courts composed entirely of Africans and not entitled to deal with questions of personal status /état des personnes/, and a mediation system preliminary to all court action, in the jurisdiction either of chiefs or of first-degree court assessors. The system in Spanish territory is similar, but the first jurisdiction of the penal law is entrusted to officers called jefes de demarcación.

Alongside this official framework may often be noted a semi-official mechanism, sometimes tolerated, sometimes prosecuted as illegal. This consists of courts or arbitrators of the ngôl, of the bwiti or of the meyoñ, and also disciplinary committees of the missions, official or semi-official.

671 The distinction between civil and criminal was undoubtedly less sharp in former times. It did, however, exist, and an organization like the ngil dealt primarily with criminal cases, the major crime from which all others arose being that of ngbwel, sorcery. A homicide /meurtre/ might be a civil matter, when the circumstances precluded the probability of an act of sorcery; a well-planned theft, on the other hand, or even outstanding commercial acumen, could involve a capital charge.

627 Outside the ngil, law was administered in the first instance by the esa or ntol mot of the extended family or the village. This was a *matter of disciplinary rather than legal power,* at least so long as the ntôl's decisions concerned only his bobenyañ. When the case (étom) 628 went beyond a purely family framework, recourse was had to a judge, ntyi'i mejô, palaver-cutter, chosen within the clan from a kinship level nearer the ancestor. If several allied clans were involved, arbitrators or assessors were taken from among the mintôl not directly concerned in the suit. Finally, a diviner or magician, mvimvi'i or [74] ngengen, could be consulted, either visited in his own dwelling or into consultation.

[675] Suits between members of an association were, and often still are, conducted by an official of the association /71/.

was in other respects common. They were administered either by the ntyi'i mejo —esa, ntol, njoo bot, or officer of the ngil or another association—or by a diviner, mvimvi'i, sometimes a specialist in this category of bitom, palavers. The true ordeal had several forms: by a curse uttered over the ancestral grave or the bieti basket; by bitter herbs, alan; by pimento or ants; by boiling water or fire. /72/ Initiations and particularly that for ngil all involved a collective ordeal intended to ward off beyem who might have tried to push their way in. In addition to the ordeal proper, the mvimvi'i could make use of various forms of divining in order to discover presumed culprits. Except for a serious crime, the culprit thus revealed was not forced to undergo an ordeal if he admitted his guilt. Physical ordeals are on the decline; they are considered crimes or delicts in the Penal Code. And ordeal by oath has lost a great deal of its force. Divining remains much in use and is sometimes highly effective (1).

1. An oath may be sworn on a nzo'okak—a little elephant shield containing various medicines, equipped with a strap and worn under the arm. The nzo'okak is not an insignia of authority. Upon the death of its holder it does not pass automatically to the man who becomes head of the family but goes to the one who has a flair for magic. To leap over a nzo'okak laid on the ground means swearing that one has told the truth. The nzo'okak is a guarantee of treaties: after a battle it is placed between the belligerents, who jump over it to vouch for their peaceful intentions. (J. B.)

Among modern punishments, fines and imprisonment are well recognized by the Pahouin and have a definite intimidating power. On the other hand, the subtleties of setting up a public prosecutor /la constitution de partie civil/ are beyond many peasants, who thus lose the possibility of receiving damages that custom would have given them. Above all, the Napoleonic interpretation of crimes and delicts remains pretty well foreign to Pahouin norms, for example, in judging an insult as a mere transgression even when directed to an

631 insofar as he accepts an authority higher than that of the head of the
177 family a Pahouin is dependent upon the head of his ayõn, who may live several hundred kilometers away. This authority had a sacred character and was based on laws of consanguinity. In addition, there were, even before the coming of the Europeans, other influences at work, tending to group people no longer on a basis of kinship but on that of local relations. Among the Fong of the Cameroons, for instance, as early as 1880, a chief had brought together under his control families that belonged to different clans and involved them in expeditions against Maka villages. From among the conquered he chose some young children for himself, brought them up, and saw them settled, creating thus, outside his consanguineal family, and even outside his tribe, a group of people devoted to his person.

Therefore, upon the power of the clan there was superposed an authority that assumed an interclan and even intertribal character. Among the Beti peoples of the Yaoundé region nearly the same system was in effect. The clans had more coherence than among the Fang or the Boulou. But the chief controlled, in addition to his own mvog, conquered families, beloa or beloa bitoa, to whom he assigned land along the margins of his domain.

The transition from a system of authority based on the law of consanguinity to a territorial one is already apparent.

In the face of Pahouin lack of political order, which nullified all attempts at organization, Europeans unconsciously tried to reinforce the trend toward a territorial system of authority.

• [C7] Since the period of the great invasions, in fact, the jus soli has been authenticated as a basis of authority, while /the application of/ the jus sanguinis involves a thousand difficulties and makes it almost impossible to govern.

By a curious paradox, nevertheless, the presence of Europeans favored legal principles opposed to those they might have desired. The tribal wars brought about a regrouping around the victor and enabled him to carve out a domain /seigneurie/. The chaotic Pahouin migrations strained clan ties: what family relationships can survive a lengthy separation, /129/ particularly when journeys are rare and dangerous? These factors would have brought about the creation of territorial entities. Peace, on the other hand, which allowed the resumption of relations, improved mobility, and permitted individual freedom, favored a return to the law of consan- [C2] guinity: the individual person, whether young man or head of a

8: Bennett D-5 (ca. 1898) 1899 FH9 Fang FH9

372 484 log from the last town where the caravan rested. This man kept the piece of wood burning by gently swinging it backward and forward, while marching along the path with his load. On one occasion I timed a native, and when we reached the next stopping place, after a three hours' tramp in the rain, the brand was still burning brightly, and it had been frequently passed from one end of the caravan to the other so that all who desired could light their pipes from it.

372 765 The Fang use fire in the ceremony of *going out of mourning*. I witnessed this ceremony once at Foulabifong. The widows of an old headman had put in the regular time of mourning and were now to be released. There were seven widows in all, three of middle age, and four young girls. A small fire of leaves had been lighted in the centre of the street, and on each side of the fire stood several young men armed with switches. The widows wore a very slender loin cloth. At a given signal the widows rushed toward the fire and bounded through it, the young men switching them as they passed, but the switches were not used severely. Immediately after the switching, each widow seated herself on the ground holding a bunch of burning leaves under her feet, while a young man shaved their heads with a sharp trade knife. On inquiry regarding this ceremony, I obtained the [783] following information: Passing the fire *cleans* them after mourning (evidently considered a means of purification). Switching reminds the widows of their duty to the man who inherits them as his wives. Burning has two meanings: firstly, the pain caused is endured as a last act of mourning for the departed; second, it signifies that henceforth the widows walk a new path (enter upon a new life).

372 821 Fire has a place in Fang religion or belief. The sun is considered the *tata* (father) of all heat, and the original maker of all fire, whether by friction, matches, powder, or lightning. When a severe thunderstorm is at its height, the natives say of the lightning, "that the sun has hid his face and is shooting fire, because he is angry." The native word for sun is *ɔ̀ɔ*. Although the palaver house fire is kept burning, still, no special effort is made to keep it alight; should it go out, any person present is at liberty to rekindle it from newly produced fire.

VII.—*Customs.*

● 671 The Fang have no system of law, no judge or tribunal for punishment of crime. Theft, murder, offences against the person are all settled according to native customs.

628 681 Example: A Fang of the Eninn clan steals goods or a woman from a Fang of the Nge clan. The Nge who has been wronged does not go to the offender for settlement, he goes to another near town and shoots the first goat he sees in the street or if very angry, he may shoot a woman. The owner of the goat or woman demands of the Nge his reason for doing so. The Nge replies, "An Eninn" (giving the man's name) "has wronged me; I put the palaver (his offence) on you." The third party then goes to the Eninn and says, "An Nge" (giving the man's name) "has shot my goat (or woman) because you have made trouble with him; he has put your palaver (trouble) on me. You must pay me!" The original offender is